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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,168	10/31/2003	Reinhard Hein	LUTZ 2007/10	9090
48116 7590 04/02/2009 FAY SHARPE/LUCENT 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115-1843				
EXAMINER FLYNN, NATHAN J				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
04/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,168

**Applicant(s)**

HEIN, REINHARD

**Examiner**

MOHAMED WASEL

**Art Unit**

2454

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **Response to Amendment**

This action is responsive to amendment filed on December 11, 2008. Claims 1, 5, 7, 9 and 10 have been amended. Claims 11-21 have been newly added. Claims 6 have been canceled. Claims 1-5 and 7-21 are pending and presented for examination.

### **New Ground(s) of Rejections**

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### **Abstract**

Applicant is reminded of the proper language and format for an abstract of the disclosure.

**The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.** It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

**The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

Applicant is advised to make the necessary changes to the abstract of the disclosure and resubmit it in a **separate sheet**. It is suggested to remove **"The invention concerns"** from the abstract.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-14 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Duncombe et al, (Duncombe) US Patent Application Pub. No. 2003/0120685.

1. As per claim 1, Duncombe teaches a server for synchronizing at least one remote system with a master system (**Paragraph [0019]**), said server comprising:

a communication unit for communicating with the master system and with the at least one remote system over a data network (**Paragraph [0022]**); and

a control unit for:

receiving from the master system and the at least one remote system respective first lists of files that comply with a predefined file classification (**Paragraph [0028]**);

detecting files in the first lists of files that are present in the master system, but missing in the at least one remote system (**Paragraph [0025]**);

comparing the first lists of files and filtering out common files to form a second list of files (**Paragraph [0021]**);

sending the second list of files to the master system and the at least one remote system and requesting respective calculations of check sums for said common files and receiving said respective check sums (**Paragraph [0053]**);

comparing corresponding check sums for said common files and detecting files from the second list of files with different check sums (**Paragraph [0022]**); and

initiating the transmission of files to be synchronized from the master system to the at least one remote system, wherein the files to be synchronized include files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the at least one remote system (**Paragraph [0022]**).

2. As per claim 2, Duncombe teaches the server wherein the control unit is arranged to delete files to be synchronized that are present in the at least one remote system but missing in the master system (**Paragraph [0076]**).

3. As per claim 3, Duncombe teaches the server wherein the control unit is arranged to initiate the adjustment of file attributes of files to be synchronized and/or to initiate the adjustment of symbolic links and/or hard links (**Paragraph [0076]**).
4. As per claim 4, Duncombe teaches the server wherein the control unit is arranged to assign master system and remote system roles to computer systems based on a message received from a control station (**Paragraph [0076]**).
5. As per claim 5, Duncombe teaches the server wherein the control unit is arranged to send commands to the master system and to the at least one remote system, the commands including a file classification specifying a group of files to be updated and a request to reply with a list of files complying with this file classification (**Paragraph [0073-0074]**).
6. As per claim 8, Duncombe teaches the server wherein the control unit is arranged to allocate the files to be updated to several file blocks and performing the data synchronization of each of said file blocks separately (**Paragraph [0028]**).
7. As per claim 9, Duncombe teaches the server wherein the control unit is arranged for:  
requesting from the file systems of the at least one remote system to check for data inconsistency caused by the data synchronization and to reply with a list of inconsistent files (**Paragraph [0022]**) and performing again the data synchronization for the files of this list (**Paragraph [0023]**).
8. Claim 10 is rejected under the same rationale as claim 1.
9. The set of claims 11-14 are rejected under the same rationale as the set of claims 2-5.
10. Claim 16 is rejected under the same rationale as claim 8.
11. Claim 17 is rejected under the same rationale as claim 9.
12. Claim 18 is rejected under the same rationale as claim 1.
13. As per claim 19, Duncombe teaches the method, further comprising:
  - i) receiving a control message from a control station, the message including the predefined file classification (**Paragraph [0028]**); and
  - j) sending commands to the master system and the remote system, the commands including the predefined file classification (**Paragraph [0028]**).

14. As per claim 20, Duncombe teaches the method, wherein the predefined file classification includes at least one of a file name, a file path, a file extension, a selection of all files, a file system, a file attribute, a file size, a file owner, a user group, and an access right (**Paragraph [0076], [0079], [0094]**).
15. As per claim 21, Duncombe teaches the server, wherein the control unit is arranged to receive a control message from a control station, the message including the predefined file classification, and to send commands to the master system and the at least one remote system, the commands including the predefined file classification (**Paragraph [0081]**).

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncombe et al, (Duncombe) US Patent Application Pub. No. 2003/0120685 in view of Kasper II, (Kasper) US Patent Application Pub. No. 2003/0212681.

16. As per claim 7, Duncombe fails to explicitly teach the server wherein the control unit is arranged to request the file systems of the master system and the at least one remote system to block the access to files to be updated until the data synchronization is finalized.

However, Kasper discloses the server wherein the control unit is arranged to request the file systems of the master system and the at least one remote system to block the access to files to be updated until the data synchronization is finalized (**Paragraph [0007]; access to the local database is blocked until the last object indicates that it has been synchronized**).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the applicants' invention to combine the teachings of Duncombe and Kasper because it provides an efficient way for restricting access to files while synchronizing with a remote system to avoid system problems.

17. Claim 15 is rejected under the same rationale as claim 7.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Wasel whose telephone number is (571) 272-2669. The examiner can normally be reached on Mon-Fri (8:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohamed Wasel/  
Patent Examiner, Art Unit 2454

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